Office - Supreme Court, U.S.
FILED
APR 26 1984
ALEXANDER L. STEVAS,
CLERK

No. 83-1538

IN THE

Supreme Court of the United States

OCTOBER TERM, 1983

RICHARD LAFFERTY,

Petitioner,

vs.

ALYESKA PIPELINE SERVICE COMPANY,
FLUOR ALASKA, INC.
and NANA SECURITIES, or
JOHN DOE 1,

Respondents.

ON PETITION FOR A WRIT OF CERTIORARI
TO THE SUPREME COURT OF THE
STATE OF ALASKA

RESPONDENTS' BRIEF IN OPPOSITION

Kenneth P. Eggers
550 West Seventh Avenue
Suite 1250
Anchorage, Alaska 99501
(907) 272-6474
Counsel for Respondents

QUESTION PRESENTED FOR REVIEW

Did the Alaska Supreme Court err in its interpretation and application of Alaska Rule of Civil Procedure 60(b) when it denied Mr. Lafferty's Motion to Set Aside Summary Judgment.

TABLE OF CONTENTS

Page

QUESTION PRESENTED .....(i)
TABLE OF AUTHORITIES.....(ii)
OPINION BELOW 1
JURISDICTION 2
STATEMENT OF THE CASE.....2
REASONS FOR DENYING THE WRIT 5
CONCLUSION 8
APPENDIX A1

TABLE OF AUTHORITIES

CASES: *Page(s)*

Farrell v. Dome Laboratories, 650 P.2d 380 (Alaska 1982) 3

O'Link v. O'Link, 632 P.2d 225 (Alaska 1981) 3

FEDERAL STATUTES:
28 U.S.C. 1257 (3) 2, 7

ALASKA RULES OF CIVIL PROCEDURE:
Alaska Rule of Civil Procedure 60(b) (3) 2, 3, 6

No. 83-1538

IN THE

Supreme Court of the United States

OCTOBER TERM, 1983

RICHARD LAFFERTY,

Petitioner,

vs.

ALYESKA PIPELINE SERVICE COMPANY,
FLUOR ALASKA, INC.
and NANA SECURITIES, or
JOHN DOE 1,

Respondents.

ON PETITION FOR A WRIT OF CERTIORARI
TO THE SUPREME COURT OF THE
STATE OF ALASKA

RESPONDENTS' BRIEF IN OPPOSITION

OPINION BELOW

The Alaska Supreme Court's decision which is the subject of the Petition for Writ of *Certiorari* is an unreported Memorandum Opinion and Judgment which is attached to Mr. Lafferty's Petition for a Writ of *Certiorari* at pages 33-39. Contrary to Mr. Lafferty's assertion, the original summary judgment granted by the Superior Court for the State of Alaska on March 16, 1978 is not a proper subject for review at this time.

JURISDICTION

Although incorrectly designated by Mr. Lafferty, jurisdiction over writs of *certiorari* is found at 28 U.S.C. 1257 (3).

STATEMENT OF THE CASE

The procedural posture of this case at once demonstrates the absence of any federal question required or allowed to be reviewed by this Court on a writ of *certiorari*. This case simply presents a straightforward application by the Alaska Supreme Court of Alaska Rule of Civil Procedure 60(b).

On May 6, 1977 Mr. Lafferty filed a complaint in the State Superior Court against Alyeska Pipeline Service Company, Fluor Alaska, Inc. and Nana Securities,[1] hereinafter collectively referred to as Alyeska, seeking damages arising out of a search which took place upon Mr. Lafferty's termination of employment and departure from the Trans-Alaska Pipeline System. Alyeska moved for summary judgment on all of Mr. Lafferty's claims, and summary judgment in favor of Alyeska was granted by the Superior Court for the State of Alaska. The judgment was entered and distributed by the clerk on May 4, 1978, and no timely appeal of this summary judgment was taken.

On September 7, 1979, approximately one year and five months after the entry of summary judgment, Mr. Lafferty moved to set aside the summary judgment pursuant to Alaska Rule of Civil Procedure 60(b). Mr. Lafferty claimed that his legal counsel was ineffective at the hearing on the Motion for Summary Judgment and that his counsel failed to inform him of the judgment and of the time within which to appeal. Alyeska opposed the Motion to Set Aside Summary Judgment on the merits and on the grounds that it was untimely. Alyeska argued, based upon the language of Rule 60(b) and prior Alaska Supreme Court decisions, that motions made pursuant to Rule

---

[1] The listing of parent companies, subsidiaries (except wholly owned subsidiaries) and affiliates of each corporation, as required by Rule 21.1(b) and 28.1 of the Supreme Court of the United States, is contained in the appendix to this Brief in Opposition.

60(b) (1) through (3) were required to be brought within one year. Alyeska asserted that Mr. Lafferty's allegations fell under 60(b) (1) and were therefore barred because the Motion was not timely. Mr. Lafferty then asserted that summary judgment should be set aside for fraud on the court, alleging Alyeska's attorney lied to the court at the summary judgment proceedings. Alyeska replied by demonstrating that its attorney merely argued a legal position and that the Motion was untimely since the allegation of fraud fell within the parameters of Rule 60(b) (3). The Superior Court denied Mr. Lafferty's Motion to Set Aside Summary Judgment and Mr. Lafferty appealed to the Alaska Supreme Court.

The Alaska Supreme Court affirmed the denial of Mr. Lafferty's 60(b) Motion. The Court, applying Rule 60(b) and following its decision in *O'Link v. O'Link*, 632 P.2d 225 (Alaska 1981), held that motions for relief under Alaska Rule of Civil Procedure 60(b) (1) through (3) were required to be brought within one year. The Court, in accordance with its decision in *Farrell v. Dome Laboratories*, 650 P.2d 380 (Alaska 1982), found that Mr. Lafferty's allegations that his counsel failed to adequately represent him in the summary judgment proceedings and to inform him of the judgment and appeal time limits fell within the ambit of 60(b) (1) and therefore were not raised in a timely manner. The Court further ruled that Mr. Lafferty's allegation that Alyeska's attorney lied to the Court in the summary judgment proceedings fell within Rule 60(b) (3) and was similarly barred by the lapse of time. The Court noted in footnote 3 that the purported lie of Alyeska's attorney, as alleged by Mr. Lafferty, was merely an argumentative assertion of a legal position and that there was clearly no egregious fraud upon the Court which would justify relief under any provision other than Rule 60(b) (3).

On August 17, 1983 Mr. Lafferty filed a Motion for Late Filing of a petition for rehearing, and the Motion for Late Filing was granted. Upon consideration of the Petition for Rehearing, the Petition was denied by the Alaska Supreme Court on September 15, 1983.

As is readily apparent, the Alaska Supreme Court did not pass on any federal question, and no federal questions were timely and properly raised in the court below so as to justify this Court reviewing the Alaska Supreme Court's Judgment on a writ of *certiorari*.

REASONS FOR DENYING THE WRIT

The decision of the Alaska Supreme Court which is the subject of this Petition for Writ of *Certiorari* involves the interpretation and application of a state rule of civil procedure and did not involve a determination of a federal question necessitating review by this Court.

An examination of the questions presented by Mr. Lafferty demonstrates that this is not a case where there are special or important reasons to grant a writ of *certiorari*. Mr. Lafferty's first question addressed to this Court merely poses a philosophical inquiry as to who is responsible when the court system fails. This raises no federal question and has no direct applicability to the case at bar.

Mr. Lafferty's second question for this Court asserts a denial of due process. Mr. Lafferty alleges that he has been denied due process by the Superior Court for the State of Alaska and by the Alaska Supreme Court because he did not receive a trial by jury on his claims. No such denial of due process exists. Mr. Lafferty did not receive a jury trial because his Complaint was disposed of by summary judgment. Mr. Lafferty was given an opportunity both in writing and orally to oppose Alyeska's Motion for Summary Judgment in the Superior Court. Mr. Lafferty filed an opposition to the Motion for Summary Judgment on December 8, 1977, and Mr. Lafferty's counsel was heard at the oral argument on Alyeska's Motion for Summary Judgment on March 16, 1978. Summary Judgment was entered and distributed by the Clerk on May 4, 1978, and Mr. Lafferty had thirty days to appeal that judgment. No timely appeal was taken.

Approximately one year and five months after the grant of summary judgment, Mr. Lafferty moved to set aside that summary judgment. Alyeska opposed the Motion, and the Superior Court considered and denied Mr. Lafferty's Motion. Mr. Lafferty appealed that denial to the Alaska Supreme Court where again he submitted a brief and had an opportunity to argue before the Alaska Supreme Court. After consideration, the Alaska Supreme Court affirmed the denial of Mr. Lafferty's Motion to Set Aside Summary Judgment issuing a

Memoradum Opinion and Judgment explaining their affirmance. Mr. Lafferty was then allowed to file a late Petition for Rehearing, and after due consideration the Petition was denied. Mr. Lafferty has clearly had his opportunity to be heard, and due process has been met.

Mr. Lafferty's third question for review raises an alleged Eighth Amendment violation by claiming the infliction of cruel and unusual punishment by being denied a jury trial. Mr. Lafferty fails to realize and understand that he did not receive a jury trial because the Superior Court for the State of Alaska granted Alyeska's Motion for Summary Judgment, and this grant of summary judgment is not what is being appealed today. Furthermore, the Eighth Amendment has never been applied to civil cases and certainly has no application to a situation such as this.

The fourth question asserted by Mr. Lafferty again refers to a denial of a trial by jury and the appropriate "punishment." The fact that Mr. Lafferty did not receive a jury trial, however, was not due to a "small, unwillful error in court procedure" as is suggested, but rather resulted from the grant of summary judgment.

The fifth question presented by Mr. Lafferty concerns the relative importance in the legal system of a request for a jury trial. Again, Mr. Lafferty's failure to receive a jury trial was the result of the grant of summary judgment for Alyeska, and the status in the legal system of a request for a jury trial is not an appropriate subject of a writ of *certiorari*.

Mr. Lafferty's sixth and final question and the thrust of the section in his Petition entitled Reasons for Granting the Writ deal with the search which prompted Mr. Lafferty's original Complaint. Hoewver, summary judgment was granted in favor of Alyeska on all of Mr. Lafferty's claims regarding the search, and no timely appeal of that judgment was taken. The Alaska Supreme Court's review, which Mr. Lafferty is now asking to be reviewed by this Court, dealt solely with the denial of Mr. Lafferty's 60(b) Motion to Set Aside Summary Judgment. Thus, the Alaska Supreme Court did not rule on

issues regarding the search, and these issues are not properly subject to Mr. Lafferty's Petition for a Writ of *Certiorari.*

Mr. Lafferty has failed to sustain his burden under Supreme Court Rule 17 of establishing that there are special and important reasons for granting his Petition. The questions presented by Mr. Lafferty do not involve substantial federal questions but rather the application of a state rule of civil procedure which is best left to Alaska's highest court. The Alaska Supreme court has not decided any federal question in conflict with decisions of another state, federal courts of appeal, or this Court and has not decided an important question of federal law which needs to be settled by this Court. Accordingly, the issuance of a writ of *certiorari* to review the Alaska Supreme Court's decision is not justified under 28 U.S.C. §1257 (3).

CONCLUSION

For all of the foregoing reasons, Mr. Lafferty's Petition for a Writ of *Certiorari* to review the judgment of the Alaska Supreme Court should be denied.

Respectfully submitted,

KENNETH P. EGGERS
550 West Seventh Avenue
Suite 1250
Anchorage, Alaska 99501
(907) 272-6474

Counsel for Respondents

APPENDIX

Respondents which are corporations furnish the following information pursuant to Rules 21.1(b) and 28.1 of the Supreme Court of the United States:

1. **ALYESKA PIPELINE SERVICE COMPANY**

Alyeska Pipeline Service Company is owned by Amerada Hess Pipeline Corporation, ARCO Pipe Line Company, BP Pipelines Inc., Exxon Pipeline Company, Mobil Alaska Pipeline Company, Phillips Alaska Pipeline Corporation, Sohio Pipe Line Company, and Union Alaska Pipeline Company; Amerada Hess Pipeline Corporation is wholly owned by Amerada Hess Corporation; ARCO Pipe Line Company is wholly owned by Atlantic Richfield Company; BP Pipelines Inc. is wholly owned by BP North America, Inc., which is wholly owned by BP International Ltd., which is wholly owned by The British Petroleum Company p.l.c.; Exxon Pipeline Company owns an interest in Dixie Pipeline Company, Plantation Pipeline, Qualbank, Inc., West Shore Pipe Line Company, and Yellowstone Pipe Line Company and is wholly owned by Exxon Corporation; Mobil Alaska Pipeline Company is wholly owned by Mobil Oil Corporation, which is wholly owned by Mobil Corporation; Phillips Alaska Pipeline Corporation is wholly owned by Phillips Investment Company; Sohio Pipe Line Company is wholly owned by the Standard Oil Company (an Ohio corporation) in which a controlling interest is held by BP International Ltd., which is wholly owned by The British Petroleum Company p.l.c.; and Union Alaska Pipeline Company is wholly owned by Union Oil Company of California.

2. **FLUOR ALASKA, INC.**

Apex Coal Company
Fluor Apartments, Inc.
Fluor Distribution Companies, Inc.

- Fluor Supply Company
- Fluor Drilling Services, Inc.
  - Coral Drilling, C.A.
  - Fluor China Drilling Co.
  - Fluor South America Limited
  - Western Offshore Drilling and Exploration Co.
    - Western Offshore Drilling and Exploration Co.
      - WODECO Nigeria Limited
    - Western Offshore Drilling & Exploration Company Sdn. Bhd.
- Fluor Engineering and Construction Group, Inc.
  - American Equipment Company, Inc.
  - Daniel International Corporation
    - Applied Engineering Company
    - Bond Transmission and Controls, Inc.
    - Daniel Construction Company, Inc.
    - Daniel Construction Company International
      - Daniel Internacional, S.A.
      - Daniel International (Canada) Ltd.
      - Daniel International (France) S.A.R.L.
      - Daniel International GmbH
      - Daniel International (Malaysia) Sdn. Bhd.
      - Daniel International (Saudi Arabia) Ltd.
      - Daniel/McCarthy Limited
        - Daniel/McCarthy International Limited
      - Daniel, V.I., Inc.
      - Davcon Limited
        - International Maintenance Organization (Canada) Ltd.
          - Trans-Canada Maintenance Ltd.
    - Daniel Financial Services, Inc.
    - Daniel Industrial Services, Inc.
      - Daniel Realty Corporation
        - Daniel Realty Securities Corporation
      - DRIC Holdings Ltd.
        - Daniel Realty Development Corporation, The First
        - Daniel Realty Investment Corporation
        - Daniel Realty Investment Corporation, The Second
        - Daniel Realty Investment Corporation, The Third
        - Daniel Realty Investment Corporation, The Fourth

Daniel Realty Investment Corporation, The Fifth
Daniel Realty Investment Corporation, The Sixth
Daniel Realty Investment Corporation, The Seventh
Daniel Realty Investment Corporation, The Eighth
Daniel Realty Investment Corporation, The Ninth
Daniel Realty Investment Corporation, The Tenth
Daniel Realty Investment Corporation, The Eleventh
Daniel Realty Investment Corporation, The Twelfth
Daniel Realty Investment Corporation, The Fourteenth
Daniel Realty Investment Corporation, The Fifteenth
Daniel Realty Investment Corporation of Virginia, Inc.
Daniel Realty Investment Corporation-
Redmont Gardens
Fortis Corporation (The)
Daniel Institutional Investment Corporation, The First
Daniel Navarra, S.A.
Davcon Corporation of Texas
Davis Constructors and Erectors, Inc.
Delcon Corporation
Dincon Corporation
Fabrication Services, Inc.
Materiales y Equipos Auxiliares para la Construccion, S.A.
Fluor Constructors, Inc.
Fluor Alaska, Inc.
Fluor California, Inc.
Fluor Canada Constructors, Inc.
Fluor Mechanical Services, Inc.
Fluor Northwest, Inc.
Fluor Engineers, Inc.
Civil & Mechanical Maintenance Pty. Limited
Compania Constructora Utah
Eastern Synfuels Corporation
Fluor Arabia Limited
Capricorn Trading Company Limited
Fluor Australia Pty. Limited
Green Square Investments Pty. Limited
Fluor Cascade, Inc.
Fluor Chile, Inc.
Fluor Chile Ingenieria y Constructores S.A.

Fluor-Doris, Inc.
Fluor Energy Technology, Inc.
Fluor Engineering Corporation
Fluor Holdings Limited
  C.A. Fluor de Venezuela
  Fluor Asia, Inc.
  Fluor Atlantic Limited
  Fluor Belgium, N.V.
  Fluor Canada Ltd. — Fluor Canada Ltee.
    Fluor (England) Limited (in liquidation)
  Fluor Caribbean, Inc.
  Fluor China, Inc.
  Fluor China Services, Inc.
  Fluor Colombia Limited
  Fluor Continental Limited
  Fluor Cyprus Limited
  Fluor Denmark Limited
  Fluor East Asia, Inc.
  Fluor Eastern, Inc.
  Fluor Eastern Limited
    Fluor International Nigeria Limited
  Fluor Eurasia, Inc.
  Fluor Europe, Inc.
  Fluor Europe Limited
    Fluor (Great Britain) Limited
    Fluor Ocean Services Limited
    IMO Services Limited
    Stanhope Management Services Limited
  Fluor European Equipment Company, Inc.
  Fluor France S.A.
  Fluor GmbH
  Fluor Group Limited
  Fluor Hong Kong Limited
  Fluor Indonesia, Inc.
    P.T. Panca Perintis Indonesia
  Fluor Intercontinental, Inc.
  Fluor International, Inc.
  Fluor International Limited
  Fluor International, S.A.

Fluor Italia S.r.l.
Fluor Japan, Inc.
Fluor-Korea Corporation, Ltd. (The)
Fluor Latin America, Inc.
Fluor (Malaysia) Sdn. Bhd.
Fluor Mideast Limited
Petrochemical Engineering Limited
Fluor Nederland B.V.
Fluor Norge A/S
Ingenieursbureau Marcon (Marine Consultants) B.V.
Fluor North Atlantic Limited
Fluor (S.A.) (Proprietary) Limited
Fluor Services, Inc.
Fluor South Africa (Pty) Limited
Fluor Technical Services, Inc.
Fluor Technical Services Limited
Fluor Texas, Inc.
Fluor Transvaal, Inc.
Fluor Transvaal Limited
Fluor Venezuela, S.A.
Fluor Western Sales Corporation
Fluorven Limited
Middle East Fluor
Ranhill-Fluor Sdn. Bhd.
Trans Pakistan Engineering, Ltd.
Fluor Iran
Fluor Mexico, Inc.
Fluor Mine Services, Inc.
Fluor Mining & Metals International, Inc.
Fluor Mining & Metals, Ltd.
Fluor New Zealand Limited
Fluor Ocean Services International, Inc.
Fluor Panama, S.A.
Fluor Power Services International, Inc.
Fluor Southeast Limited
Fluor Synfuels Corporation
Liquefied Coal Development Corporation
Peruvian Associates

Pilbara Industries Pty. Ltd.
Western Synfuels Corporation
Fluor Plant Services International Ltd.
Fluor Southeast, Inc.
Fluor Engineers S.A. (Pty.) Limited
Fluor Finance N.V.
Fluor New York Engineers P.C.
Fluor (Nigeria) Limited
Fluor Oil and Gas Corporation
Cal Oil Limited
Coquina Petroleum Inc.
Coquina Petroleum Peru Inc.
Coquina Petroleum U.S. Inc.
Coquina Petroleum Offshore Inc.
Dominican Oil, Inc.
Espana Oil, Inc.
Haiti Oil, Inc.
Hellenic Oil Company, Inc.
Ivory Coast Oil, Inc.
North Sea Oil, Inc.
North Sumatra Oil, Inc.
Pacific Oil Marketing, Inc.
Panay Oil, Inc.
Peru Oil, Inc.
Sabah Offshore Oil, Inc.
Selva Oil, Inc.
South Pacific Oil, Inc.
St. Joe Petroleum (U.S.) Corporation
Tasman Oil, Inc.
Westmont Oil, Inc.
Fluor Overseas Finance N.V.
Fluor Power Services, Inc.
Fluor Properties, Inc.
Fluor Washington, Inc.
Metropolitan San Jose Properties, Inc.
St. Joe Minerals Corporation
Allegheny Coal Corporation
Massey Coal Company (partnership)
A.T. Massey Coal Company, Inc.

Allburn Coal Company, Inc.
Anchor Coal Company, Inc.
A.T.M., Inc.
  Henry Clay Mining Company, Inc.
  T.C.H. Coal Company
Ben Creek Coal Company
Big Bear Mining Company
Big Beaver Coal Co.
Blackberry Creek Coal Company
Capstan Mining Company
Clark Elkhorn Coal Company, Incorporated
Cline & Chambers Coal Company, Inc.
Dehue Coal Company
East Kentucky Energy Corporation
  Central West Virginia Energy Company
  Lewco Development Company
  Sun Coal Company, Inc.
  T. W. Associates, Inc.
  West Fork Fuel Company
Elk Run Coal Company, Inc.
  Bishop Mine Development Co.
  Black Castle Mine Development Co.
  Black King Mine Development Co.
  Black Knight Mine Development Co.
  Chess Processing Company
  Knight Mine Development Co.
Federal Development Corporation
Hopkins Creek Coal Company
Kermit Coal Company
LaBelle Processing Company
Leslie Coal Company, Inc.
Marrowbone Development Company
Martin County Coal Corporation
Massey Coal Export Corporation
Massey Coal Sales Company, Inc.
Massey Coal Services, Inc.
Massey Coal Terminal Corporation
Massey Coal Terminal, S.C. Corporation
  Shipyard River Coal Terminal, Inc.

Massey Fuels Corporation
Massey Stores, Inc.
Menefee Land Company, Inc.
Nicco Corporation
Omar Mining Company
Ora Mae Coal Company, Inc.
Peerless Eagle Coal Co.
Pennsylvania Mine Services, Inc.
Peter Cave Coal Company, Incorporated
Pike County Coal Corporation
Piney Creek Coal Company
Raleigh Six Coal Company
Ratliff Elkhorn Coal Co., Inc.
Rawl Sales & Processing Co.
  Crystal Alma Corporation
    Sycamore Mining Co.
      Alpine Development Company
      Big Bottom Coal Company, Inc.
      Bluesprings Coal Company
      Bonnie Coal Company, Inc.
      P. M. Charles Coal Co.
      Joboner Coal Company
      Lobata Coal Company
      Maxann Coal Corp.
      Pikco Mining Company
      Pond Creek Mining Co.
      Renaissance Development Company
      Rocky Hollow Coal Co.
      Tall Timber Coal Company
Robinson-Phillips Coal Company
Royalty Smokeless Coal Company
  Douglas Pocahontas Coal Corporation
  IMEC, Inc.
  Shannon-Pocahontas Coal Corporation
Russell Fork Coal Company
S C Coal Corporation
  Devon Coal Associates (partnership)
  S C Ventures, Inc.
    Elton Coal Company (partnership)

Simron Fuel Company, Inc.
Sprouse Creek Processing Company
Sunset Coal Company
Tennessee Consolidated Coal Company
Chestnut Coal Company, Inc.
Coal Transit Company
Grundy Mining Company, Inc.
T.C.C. International, Inc.
Virginia Mining Co., Inc.
Walnut Coal Company, Inc.
Whitwell Coal Corporation
Town Creek Coal Company
Tug River Coal Company, Inc.
Utility Coals, Inc.
Vesta Mining Company
Virginia Crews Coal Company
Blueco Sales & Processing Co.
Pocahontas Red Ash Mining Company
Rose Branch Development Company
Winston Coal Company
Wolf Creek Collieries Company
Wyomac Coal Company, Inc.
Energy Research Corporation
Mineracao Bonanca Ltda.
Mineracao Sao Jose Ltda.
Commercial de Minerios Do Sul Do Para Ltda.
Mineracao Alabastro Ltda.
Mineracao Alpina Ltda.
Mineracao Baliza Ltda.
Mineracao Campo Maior Ltda.
Mineracao Catavento Ltda.
Mineracao Centauro Ltda.
Mineracao Dardo Ltda.
Mineracao Radiante Ltda.
Mineracao Sao Bernardo Ltda.
Mineracao Sao Felix Ltda.
Mineracao Sao Francisco De Assis Ltda.
Mineracao Sao Leonardo Ltda.
Mineracao Sao Mateus Ltda.

Mineracao Verde Vale Ltda.
Pea Ridge Iron Ore Company, Inc.
Placer Service Corp.
Yuba-Placer Gold Company
(unincorporated joint venture)
St. Joe American Corporation
St. Joe Carbon Fuels Corporation
St. Joe Coal Corporation
St. Joe International Corporation
Compania Madrigal
Compania Minera del Madrigal (a limited partnership)
Compania Minera Aguilar S.A.
Compania Metalurgica Austral Argentina S.A.C.I. y. F.
Compania Minera San Jose S.A.
Maria Albina Sociedad Limitada
Pachon S.A. Minera
Retamosa Sociedad Limitada
Santa Barbara Sociedad Limitada
Sulfacid, S.A.C.I. y. F.
Compania Minera San Jose, del Peru S.A.
Compania Minera San Jose, Inc.
Compania Minera San Jose Ltda. (partnership)
Compania Minera Cerro Amarillo
Compania Minera Sancarron
Compania Minera El Indio
Compania Minera Nevada S.A.
Compania Minera Rio Seco S.A.
Compania Minerales Santander, Inc.
International Minerals Ventures Inc.
Mineral Resource Development Corporation
St. Joe Erzbergbaugesellschaft m.b.H.
St. Joe Australia Pty. Limited
St. Joe (Torrington) Pty. Limited (in liquidation)
St. Joe Australia Pty. Limited (in liquidation)
St. Joe Canada Inc.
St. Joe Explorations GmbH
St. Joe Minera de Espana, S.A.

St. Joe South Pacific Pty. Limited
St. Joe Bonaparte Pty. Limited
Woodlawn Properties Pty. Limited
St. Joe Trading Corporation
St. Joe International Trading Corporation
St. Joe International Trading Ltd.
St. Joseph International Explorations Limited
St. Joe Lead Company, Inc.
St. Joe Magnesium Corporation
St. Joe Resources Corporation
St. Joe Zinc Company, Inc.
St. Joe International Petroleum Corporation
St. Joe Petroleum Corporation
St. Joe Egypt Exploration Corporation
St. Joe Ireland Exploration Corporation
St. Joe Petroleum (Aruba) Corporation
St. Joe Petroleum (Colombia) Corporation
St. Joe Petroleum Egypt Corporation
St. Joe Petroleum Guatemala Corporation
St. Joe Petroleum-Holland, Inc.
St. Joe Petroleum (Indonesia) Corporation
St. Joe Petroleum (Netherlands) Corporation
St. Joe Petroleum (Papua New Guinea) Corporation
St. Joe Petroleum Phillippines Corporation
St. Joe Petroleum Spain Corporation
St. Joe Petroleum (U.K.) Corporation
Zenith Coal Company, Inc.

3. **NANA SECURITIES**

NANA Securities was a division of NANA Development Corporation, Inc. which is a wholly owned subsidiary of NANA Regional Corporation. NANA Development Corporation, Inc. also has the following divisions:

i) **NUL-LUK-VIK Hotel**
ii) **Drift Inn**
iii) **NANA Seafoods**
iv) **Qunqnik**
v) **Jade Mountain Products**
vi) **Kivalina Housing**

vii) Selawik Fuel
viii) Ambler Fuel
ix) Buckland Fuel
x) Deering Fuel

NANA Development Corporation, Inc. has the following wholly owned subsidiaries:

i) NANA Oilfield Services, Inc.
ii) Purcell Services, Ltd.
iii) NANA Construction Company, Inc.
iv) Prudhoe East Warehousing Services, Inc.

NANA Oilfield Services, Inc. has the following wholly owned subsidiaries:

i) Arctic Utilities, Inc.
ii) Great Northern Express, Inc.

NANA Development Corporation, Inc. is involved in the following Joint Ventures:

i) NANA/MANNINGS
ii) NANA/SURVEYING
iii) NANA Bell, Inc.
iv) SOLVIK
v) Petrolane/NANA
vi) UNE
vii) NORCON/PEWS
viii) MORRISON-KNUDSEN/NANA
ix) NANA/Coats Diamond Drilling
x) VANguard Industries

NANA Development Corporation, Inc. has a substantial interest in the following:

i) United Bank Alaska
ii) Alaska United Drilling
iii) Westward Well Services Company, Inc.